

REMARKS

The Office Action mailed April 12, 2006, has been received and reviewed. Claims 1 through 90 are currently pending in the application. Claims 1 through 16, 25, 26, 28 through 53, 59, 60, 62 through 65, 68 through 78, 85, 87, 88 and 90 stand rejected. Claims 17 through 24, 27, 54 through 58, 61, 66, 67, 79 through 84, 86 and 89 have been objected to as being dependent upon rejected base claims, but the indication of allowable subject matter in such claims is noted with appreciation. Applicants have cancelled claims 66, 78 and 79, amended claims 1, 17, 18, 20, 21, 23, 24, 27, 29, 32, 33, 36, 57, 58, 61, 63, 64, 54, 55, 68, 70, 80, 81, 86 and 89, and respectfully request reconsideration of the application as amended herein.

Supplemental Information Disclosure Statement

Please note that a Supplemental Information Disclosure Statement was filed herein on April 11, 2006, and that no copy of the PTO/SB/08A was returned with the outstanding Office Action. Applicants respectfully request that the information cited on the PTO/SB/08A be made of record herein.

35 U.S.C. § 103(a) Obviousness Rejections

Obviousness Rejection Based on U.S. Patent No. 5,060,867 to Luxton et al.

Claims 1 through 4, 15, 16, 25, 26, 28 through 35, 62, 63, 65, 68 through 70, 75 through 77, 85, 87 and 90 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Luxton et al. (U.S. Patent No. 5,060,867). Applicants respectfully traverse this rejection, as hereinafter set forth.

M.P.E.P. 706.02(j) sets forth the standard for a Section 103(a) rejection:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir.

1991). (Emphasis added).

Claims 1 through 4, 15, 16, 25 and 26 and 28 through 35

Independent claim 1, as amended herein, is directed to a fire suppression apparatus which includes, among other things, “at least one oxygen-getting device disposed in the flow path, wherein the oxygen-getting device is configured to reduce a level of oxygen in the volume of ambient air as it flows therethrough.”

Applicants submit that claim 1 is allowable over Luxton as the Examiner has clearly indicated the subject matter of an oxygen-getting device configured to reduce a level of oxygen in the volume of ambient air flowing therethrough as being allowable. (See “Allowable Subject Matter” regarding claims 17-24, page 5 of the Office Action).

Applicants further submit that claims 2 through 4, 15, 16, 25, 26 and 28 through 35 are allowable as being dependent from an allowable base claim as well as for the additional patentable subject matter introduced thereby.

With respect to claims 16, 25, 26 and 28, Applicants fail to find any teaching or suggestion in Luxton of a conditioning apparatus disposed in the flow path. Nor has the Examiner cited any specific teaching regarding such subject matter.

With respect to claim 25, Applicants fail to find any teaching or suggestion in Luxton of a NO_x scavenger disposed between the recited diffuser and second opening. Nor has the Examiner cited any specific teaching regarding such subject matter.

With respect to claim 28, Applicants fail to find any teaching or suggestion in Luxton of a conditioning apparatus that may be removed and replaced with another conditioning apparatus. Nor has the Examiner cited any specific teaching regarding such subject matter.

With respect to claim 33 through 35, Applicants submit that, since Luxton does not expressly teach or suggest the use of the its apparatus in extinguishing a fire, that Luxton fails to teach or suggest a housing which is substantially integral with a structure associated with an environment intended to be protected by the fire suppression apparatus. Moreover, Applicants fail to find any teaching or suggestion that the housing be integral with a room of a building (claim 34) or a cabin of a vehicle (claim 35).

Applicants, therefore, respectfully request reconsideration and allowance of claims 1

through 4, 15, 16, 25, 26 and 28 through 35

Claims 62 and 63

Each of claims 62 and 63 ultimately depend from base claim 36. Base claim 36 has been amended herein to include the limitation of “at least one oxygen-getting device disposed in the flow path, wherein the oxygen-getting device is configured to reduce a level of oxygen in the volume of ambient air as it flows therethrough,” which subject matter, as set forth hereinabove, has been indicated as being allowable by the Examiner. (See “Allowable Subject Matter” regarding claims 54-58, page 5 of the Office Action).

Applicants, therefore submit that claims 62 and 63 are allowable at least by virtue of their dependency from an allowable base claim.

Additionally, with respect to claim 62, as has been noted hereinabove, Applicants fail to find any teaching or suggestion in Luxton of a conditioning apparatus that may be removed and replaced with another conditioning apparatus. Nor has the Examiner cited any specific teaching regarding such subject matter.

Applicants, therefore, respectfully request reconsideration and allowance of claims 62 and 63.

Claim 65

Claim 65 depends from independent claim 64. Claim 64 has been amended herein to include the limitation of “at least one conditioning apparatus disposed within the flow path including at least one oxygen-getting device configured to reduce a level of oxygen from the volume of ambient air,” which subject matter has been indicated by the Examiner as being allowable. (See “Allowable Subject Matter” regarding claim 66, page 5 of the Office Action).

Claims 68 through 70, 75 through 77, 85, 87 and 90

Independent claim 68 is directed to a method of suppressing fires and, as amended herein, includes the limitation of “reducing a level of oxygen contained within the volume of ambient air including flowing the volume of ambient air over an oxygen reactive material,” which subject

matter has been indicated by the Examiner as being allowable. (See “Allowable Subject Matter” regarding claim 66, page 5 of the Office Action).

As such, Applicants submit that claim 68 is clearly allowable over Luxton. Applicants further submit that claims 69, 70, 75 through 77, 85, 87 and 90 are also allowable as being dependent from an allowable base claim as well as for the additional patentable subject matter introduced thereby.

With respect to claim 69, Applicants fail to find any teaching or suggestion in Luxton of producing an inert fire-suppressing gas. Nor has the Examiner cited any specific teaching regarding such subject matter.

With respect to claim 70, Applicants fail to find any teaching or suggestion in Luxton of producing a fire-suppressing gas comprising at least one of N_2 , H_2O and CO_2 . Nor has the Examiner cited any specific teaching regarding such subject matter.

With respect to claim 75, Applicants fail to find any teaching or suggestion in Luxton of introducing a *fire-suppressing gas* into a flow path at a substantially sonic velocity. Nor has the Examiner cited any specific teaching regarding such subject matter.

With respect to claim 85 and 87, Applicants fail to find any teaching or suggestion in Luxton of flowing the gas mixture through a conditioning device. Nor has the Examiner cited any specific teaching regarding such subject matter.

With respect to claim 87, Applicants fail to find any teaching or suggestion in Luxton of flowing the gas mixture through at least one of an NO_x and an NH_3 scavenger. Nor has the Examiner cited any specific teaching regarding such subject matter.

Applicants, therefore, respectfully request reconsideration and allowance of claims 68 through 70, 75 through 77, 85, 87 and 90.

Obviousness Rejection Based on U.S. Patent No. 5,060,867 to Luxton et al. in view of U.S. Patent No. 6,612,243 to Italiane et al.

Claims 5 through 12, 71 through 74 and 78 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Luxton et al. (U.S. Patent No. 5,060,867) in view of Italiane et al. (U.S. Patent No. 6,612,243). Applicants respectfully traverse this rejection, as hereinafter set forth.

Claims 5 through 12

Each of claims 5 through 12 depend, ultimately, from independent claim 1. As set forth hereinabove, claim 1 is considered to be in condition for allowance. Applicants, therefore, respectfully submit that claims 5 through 12 are likewise in condition for allowance at least by virtue of their dependency from an allowable base claim.

Claims 71 through 74 and 78

Each of claims 71 through 74 and 78 depend, ultimately, from independent claim 68. As set forth hereinabove, claim 68 is considered to be in condition for allowance. Applicants, therefore, respectfully submit that claims 71 through 74 and 78 are likewise in condition for allowance at least by virtue of their dependency from an allowable base claim.

Obviousness Rejection Based on U.S. Patent No. 5,060,867 to Luxton et al. in view of U.S. Patent No. 6,612,243 to Italiane et al. as applied to claim 10 above, and further in view of U.S. Patent No. 6,045,638 to Lundstrom

Claims 13, 14 and 88 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Luxton et al. (U.S. Patent No. 5,060,867) in view of Italiane et al. (U.S. Patent No. 6,612,243) as applied to claim 10 above, and further in view of Lundstrom (U.S. Patent No. 6,045,638). Applicants respectfully traverse this rejection, as hereinafter set forth.

Claims 13 and 14

Each of claims 13 and 14 depend, ultimately, from independent claim 1. As set forth hereinabove, claim 1 is considered to be in condition for allowance. Applicants, therefore, respectfully submit that claims 13 and 14 are likewise allowable at least by virtue of their dependency from an allowable base claim.

Claim 88

Claims 88 depends, ultimately, from independent claim 68. As set forth hereinabove,

claim 68 is considered to be in condition for allowance. Applicants, therefore, respectfully submit that claim 88 is likewise allowable at least by virtue of its dependency from an allowable base claim.

Obviousness Rejection Based on U.S. Patent No. 5,060,867 to Luxton et al. in view of U.S. Patent No. 6,612,243 to Italiane et al.

Claims 36 through 50, 52, 53, 59 and 60 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Luxton et al. (U.S. Patent No. 5,060,867) in view of Italiane et al. (U.S. Patent No. 6,612,243). Applicants respectfully traverse this rejection, as hereinafter set forth.

Claim 36, as amended herein, is directed to a fire suppression apparatus which includes, among other things, “at least one oxygen-getting device disposed in the flow path, wherein the oxygen-getting device is configured to reduce a level of oxygen in the volume of ambient air as it flows therethrough,” which subject matter has been indicated by the Examiner as being allowable. (See “Allowable Subject Matter” regarding claims 54-58, on page 5 of the Office Action).

Applicants further submit that claims 37 through 50, 52, 53, 59 and 60 are also allowable at least by virtue of their dependency from an allowable base claim.

Applicants respectfully request reconsideration and allowance of claims 36 through 50, 52, 53, 59 and 60.

Obviousness Rejection Based on U.S. Patent No. 5,060,867 to Luxton et al. in view of U.S. Patent No. 6,612,243 to Italiane et al. as applied to claim 10 above, and further in view of U.S. Patent No. 6,045,638 to Lundstrom

Claim 51 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Luxton et al. (U.S. Patent No. 5,060,867) in view of Italiane et al. (U.S. Patent No. 6,612,243) as applied to claim 10 above, and further in view of Lundstrom (U.S. Patent No. 6,045,638). Applicants respectfully traverse this rejection, as hereinafter set forth.

Claims 51 depends, ultimately, from independent claim 36. As set forth hereinabove, claim 36 is considered to be in condition for allowance. Applicants, therefore, respectfully

submit that claim 51 is likewise allowable at least by virtue of its dependency from an allowable base claim.

Obviousness Rejection Based on U.S. Patent No. 5,060,867 to Luxton et al. in view of U.S. Patent No. 6,612,243 to Italiane et al. and U.S. Patent No. 6,045,638 to Lundstrom

Claim 64 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Luxton et al. (U.S. Patent No. 5,060,867) in view of Italiane et al. (U.S. Patent No. 6,612,243) and Lundstrom (U.S. Patent No. 6,045,638). Applicants respectfully traverse this rejection, as hereinafter set forth.

Claim 64 has been amended herein to include the limitation of “at least one conditioning apparatus disposed within the flow path including at least one oxygen-getting device configured to reduce a level of oxygen from the volume of ambient air,” which subject matter has been indicated by the Examiner as being allowable. (See “Allowable Subject Matter” regarding claim 66, on page 5 of the Office Action).

Applicants, therefore, respectfully request reconsideration and allowance of claim 64

Objections to Claims 17-24, 27, 54-58, 61, 66, 67, 79-84, 86 and 89/Allowable Subject Matter

Claims 17 through 24, 27, 54 through 58, 61, 66, 67, 79 through 84, 86 and 89 stand objected to as being dependent upon rejected base claims, but are indicated to contain allowable subject matter and would be allowable if placed in appropriate independent form.

Claims 66 and 79 have been cancelled herein. Claims 27, 61, 86 and 89 have been rewritten in independent form to include the limitations of their base claims and any intervening claims. Claims 17 through 24 and 27, 54 through 58, 61, 67, 80 through 84, 86 and 89 each depend from base claims which are considered to be allowable. Claims 17 through 24, 27, 54 through 58, 61, 67, 80 through 84, 86 and 89 are, therefore, considered to be in condition for allowance and reconsideration thereof is respectfully requested.

ENTRY OF AMENDMENTS

The amendments to claims 1, 17, 18, 20, 21, 23, 24, 27, 29, 32, 33, 36, 57, 58, 61, 63, 64, 54, 55, 68, 70, 80, 81, 86 and 89 above should be entered by the Examiner because the amendments are supported by the as-filed specification and drawings and do not add any new matter to the application. Further, the amendments do not raise new issues or require a further search.

CONCLUSION

Claims 1 through 65, 67 through 77 and 80 through 90 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, the Examiner is respectfully invited to contact Applicants' undersigned attorney.

Respectfully submitted,



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